

**CRIMINAL JUSTICE SERVICES BOARD**  
**MINUTES**  
***March 13, 2003***

**Members Present**

Sheriff Beth Arthur  
Ms. Emily M. Bryant  
The Honorable Linda Curtis  
Ms. Marla Graff Decker (*proxy for Attorney General Kilgore*)  
Mr. Jeffrey Dion  
Ms. Helen Fahey  
Mr. Thomas W. Fore, Sr.  
Sheriff Vernie W. Francis, Jr.  
Chief Atlas L. "Joe" Gaskins, Chairman  
Mr. Frederick A. Hodnett, Jr.  
Mr. John Jabe (*proxy for Director of DOC*)  
The Honorable Jerrauld C. Jones (*Director of DJJ*)  
Dr. Jay Malcan  
Mr. G. Jeffrey Mason  
Colonel Gerald Massengill  
The Honorable Robert E. Maxey, Jr.  
Mr. Walter A. McFarlane  
Chief Dennis A. Mook  
Colonel Andre Parker  
The Honorable Beverly Sherwood (*non-voting member*)  
Ms. Mary Kay Wakefield  
Mr. Christopher R. Webb  
The Honorable Patricia L. West

**Members Not Present**

Judge Catherine Hammond  
The Honorable Robert Hurt (*non-voting member*)  
The Honorable Kenneth W. Stolle (*non-voting member*)  
The Honorable Martin E. Williams (*non-voting member*)

**DCJS Staff Present**

Leon Baker  
Ron Bessent  
Dan Catley  
John Colligan  
Marsha Dietz  
Fran Ecker  
Melissa Feeley  
Dr. Paul Ferrara  
Dan Gilmore  
George Gotschalk  
Butch Johnstone  
Kathi Lee

Jim McDonough  
Joe Marshall  
Laurel Marks  
Pete Marone  
Robert Mathieson  
Mandie Patterson  
Tim Paul  
Doug Smith  
Janice Waddy  
Amanda West  
Christine Wiedemer

**Others Present**

The Honorable John W. Marshall, Secretary of Public Safety  
Dr. Marcella Fierro, Chief Medical Examiner, Department of Health  
George Haudricourt, A.D.T. Security Services, Inc.

**Call to Order**

Chief Gaskins called the meeting to order at 11:00 a.m.

**Approval of the Minutes**

Chief Gaskins called for a motion to approve the minutes of December 12, 2002. The motion was made and seconded. The minutes were unanimously approved as recorded.

**Director's Report**

*Status of Byrne Funds*

Mr. Cooke began his report by giving an update on the status of Byrne Funds. He explained that the Byrne program provides approximately \$11 million per year and is used to make grants for school resource officers, crime prevention, drug treatment for offenders, information system improvements, and other related programs.

DCJS has been closely monitoring the 2003 budget appropriations process because a number of the grant programs DCJS administers use federal funds, including the Byrne program. It appeared for a while that funding for the Byrne Formula Grant Program might be eliminated from the 2003 budget. As the belated appropriation process entered its final phase, funding for Byrne was included in the House version of the budget, but not in the Senate version. The Senate voted specifically not to include the funding. As a result of the work of the House-Senate Conference Committee appointed to resolve differences in the two appropriations bills, money

was included for the Byrne Formula Program (approximately \$500 million), keeping it at its current funding level.

Mr. Cooke reported that the President has recommended replacing Byrne and the Local Law Enforcement Block Grant in 2004 with a new Justice Assistance Grant Program, funded at a significantly lower level. He stated that it is too soon in the 2004 appropriations process to gauge whether the President's proposal has a serious chance in Congress. A similar proposal the President made last year was unsuccessful.

#### *Asset Forfeiture Requests for 2003*

Mr. Cooke noted that Board members had received in their meeting materials copies of letters received from the Virginia Sheriffs' and Chiefs' Associations and the Commonwealth's Attorneys' Services Council requesting assistance from forfeited assets funds. He pointed out that the state retains a small (10%) portion of funds realized from seized assets in drug cases. The money is to be used to administer the forfeited asset sharing program, provide training on it to law enforcement and, if there are funds left, to promote law enforcement. Last year, on the recommendation of the Criminal Justice Services Board's Forfeited Assets Subcommittee, funds went to the Chiefs' Association and the Commonwealth's Attorneys Services Council for training programs.

Mr. Cooke recommended that Chief Gaskins refer the 2003 requests for asset forfeiture funds to the subcommittee, as was done last year, and instruct them to come back to the Board at the May meeting with recommendations. He assured the Board that DCJS staff would work with the subcommittee to review the proposals and develop recommendations for the Board to consider.

#### *Lunenburg County Byrne Grants*

Mr. Cooke reported that information about the Lunenburg County Byrne Grants, specifically a report from the Chairman about the processing errors that resulted in the applications being rejected, is included in Board meeting materials.

Mr. Cooke stated that DCJS regrets the errors and any problems they caused and "we are pleased the Executive Committee acted to put things right."

#### *Introduction of New Administrative Assistant and Recognition of Christine Wiedemer*

Mr. Cooke introduced Melissa Feeley, his new Administrative Assistant and the Board's new Secretary. He reported that Ms. Feeley replaces Christine Wiedemer.

Mr. Cooke commended Christine Wiedemer for her valuable service to DCJS and to the Board. On behalf of the Criminal Justice Services Board, Chief Gaskins presented Ms. Wiedemer with a Certificate of Appreciation.

### *Staff & Organizational Changes*

Mr. Cooke noted DCJS organizational changes and stated that members received copies of the new organizational chart in their meeting materials. He introduced Mr. Leon Baker, Director of the Division of Research and Regulation and Ms. Fran Ecker, Director of the Division of Programs and Services. Mr. Cooke pointed out that Ms. Ecker and Mr. Baker join existing Division Directors, Paul Ferrara, Ph.D. of the Division of Forensic Science and Mr. John Colligan of Administration.

Mr. Cooke reported that these changes made it possible to move some existing staff into more responsible positions: Laurel Marks is now Chief of the Juvenile Services Section and Lisa Hahn took on the Section Chief role in Private Security.

Chief Gaskins recommended that the Asset Forfeiture Funds requests be forwarded to the asset distributions subcommittee.

### **Committee on Training Report**

Chief Gaskins called upon Sheriff Maxey for a Committee on Training (COT) report.

Sheriff Maxey reported that the COT met at 9:00 AM, just prior to this meeting. At that meeting, the COT heard an update on the Statewide Driver Training Track from Ron Bessent, a legislative update from Ron Bessent and George Gotschalk, and a report on in-service and instructor rules from John Byrd.

The COT considered the following new business: a report on electronic training/distance learning from Mr. Gotschalk, an update on Alzheimer's training from Julie Skone, and proposed changes in private security regulations from Lisa Hahn.

Sheriff Maxey discussed some problems that have arisen with the Driver Training Track project, with regard to military policy changes. He reported that the COT passed a resolution to ask the Criminal Justice Services Board to pass a resolution to forward to our congressional delegation to ask them to look into this matter and consult with the military to determine if there is anything that can be done to possibly reverse or revise this policy so that we can continue to receive military assistance on the Driver Training Track project.

Sheriff Maxey called upon Ron Bessent to give a brief overview of the Statewide Driver Training Track project at Camp Pickett.

Mr. Bessent explained that the project team entered into an agreement with a military operation called Operation Alliance, Joint Task Force 6, to provide engineering and construction services for basic infrastructure, clearing, and basic preliminary work prior to construction of buildings and other facilities. Last summer, Operation Alliance, Joint Task Force 6, cleared over 140 acres

of property and graded approximately one-third of a major track. The estimated value of this work, provided to the Commonwealth at no cost, is \$4 – 5 million, one-third the cost of the facility. (The General Assembly funded the purchase of materials for the first phase of construction.)

Mr. Bessent explained that, subsequently, the impending confrontation with Iraq limits the military's ability to provide operational services. The unit scheduled to work on the project in July has been called up to active duty and no replacement is available for this phase of the project. Mr. Bessent stated that this would cause an approximate one-year delay to the project.

Mr. Bessent reported that the Department of Defense is considering a change to its policy on allowing Joint Task Force 6 operational deployment. He explained that their initial charge was to assist local law enforcement officers on border states with engineering projects dealing with interdiction of drugs and stemming flow of drugs into the United States. Two to three years ago, this charge was expanded to include interim states. It was under the revised charge that Virginia was eligible to use Joint Task Force 6. Mr. Bessent further explained that the policy being considered would revert back to the initial charge, which allows operational deployment to border states only. The Department of Defense is moving to a more restrictive policy. Mr. Bessent said this would be a massive blow to the Driver Training Track project. Without the assistance of Joint Task Force 6 under the expanded charge, the full cost of the project would revert to the Commonwealth.

Mr. Fore made a motion that the Criminal Justice Services Board contact the Virginia congressional delegation to look into this matter. Sheriff Francis seconded the motion. The motion carried unanimously.

Chief Gaskins stated that this resolution be passed to Secretary Marshall through Mr. Cooke.

Mr. Cooke noted that Secretary Marshall and the Governor are well aware of the situation.

### **Remarks, Secretary Marshall**

On behalf of the Governor, Secretary Marshall extended his gratitude to Criminal Justice Services Board members for their service and recognized the important work they do.

### **A Report on the 2003 Legislative Session**

Chief Gaskins called upon Joe Marshall to give a report on the 2003 Legislative Session.

Mr. Marshall referenced the report that was included in the meeting materials. He reported that more than 2,800 bills and resolutions were introduced during the session, and more than 1,600 passed. The agencies under the Public Safety secretariat were tracking 440 pieces of legislation. DCJS tracked 122 House Bills and 71 Senate Bills. Mr. Marshall highlighted the following bills that are of particular interest to DCJS: SB 1003 (Crime Victims), HB 2764 and SB 1258 (Forensic Science), HB 2288 (Juvenile Justice), HB 2671 and HB 2680 (School Safety), and SB 1240 (Private Security).

**Certified Crime Prevention Community Applications**

Chief Gaskins called upon Mr. McFarlane for a report.

Mr. McFarlane reported that the subcommittee met on March 11 to consider three different applications: Fairfax County, City of Newport News, and City of Hampton. Two of these programs, Fairfax County and the City of Hampton, met the high standards established for certification. The subcommittee voted unanimously to recommend to the Board that Fairfax County and the City of Hampton be recognized as the seventh and eighth Certified Crime Prevention Communities in the Commonwealth. Fairfax County and the City of Hampton should be commended for the commitment they have made towards crime prevention and community safety.

Although the subcommittee was impressed with information submitted by Newport News, it decided to delay action on its application until further information is submitted to clarify aspects. A letter will be sent from DCJS to Newport News requesting that the City make the necessary revisions to its applications by May 1.

The subcommittee thanked and commended Doug Smith of the DCJS staff for his skilled work in assisting the applicants and the subcommittee.

A motion was made and seconded to accept the applications from Fairfax County and the City of Hampton, and that they be recognized as Certified Crime Prevention Communities. The motion carried unanimously.

**Proposed Change in Regulations for the Division of Forensic Science's Field Test Kits**

Chief Gaskins called upon Mr. Pete Marone, Director of the Division of Forensic Science (DFS) Central Lab, to give a report.

Mr. Marone referred Board members to materials included in the meeting packet regarding proposed changes in Virginia Code § 19.2-188.1. He explained that these regulations were adopted when DFS was part of the Department of General Services. Basically, the proposal is to replace the regulation under the Department of General Services with the proposed regulation including updated address information and a few changes in internal practice and procedure.

A motion was made and seconded to approve the changes in regulations as presented. The motion carried unanimously.

**Consideration of Grant Applications—JAIBG, JJDP Title II**

Chief Gaskins called upon Mr. Lloyd Dunnivant for a report on JAIBG and Title II grants.

Mr. Dunnivant reported that \$450,000 will be returning to DCJS from JAIBG and Title II grants: \$150,000 for JAIBG and \$300,000 for Title II. DCJS has until the end of September to spend

that money to help Virginia's young people or return it to the Federal government. On February 14, the committee voted to issue two, one-time grants (one with JAIBG and one with Title II funds) to localities and state government to provide for one-time purchases. Money would be allocated by July 1 and must be spent by September 30, 2003. JAIBG grants would be \$10,000 or less and the Title II funding would be \$10,000 for localities and \$25,000 for state grants. Mr. Dunnivant requested that the Board approve both of these one-time special funding initiatives.

A motion was made and seconded to approve the JAIBG and Title II one-time grant initiatives. The motion carried unanimously.

**Consideration of Grant Applications—Criminal History Record Improvement (CHRI)**

Chief Gaskins called on Mr. Butch Johnstone for a report on the Criminal History Record Improvement (CHRI) grant applications.

Mr. Johnstone referred Board members to information contained in the meeting materials. He reported that 34 applications were received. The Criminal Justice Information Systems Subcommittee met on March 5 to review the applications and recommended 17 for funding. Those 17 not recommended for funding did not meet any of the three priorities established by the Information Systems Subcommittee for funding: 1) the program supports the core criminal justice information systems functions; 2) the program be regional or statewide in nature; 3) the program supports data sharing or analysis. He stated that the Committee is able to recommend funding for all \$888,369 in federal funds provided for the program.

The question was asked, "Is there a grant appeal process for those applications that have been denied funding?" Mr. Johnstone stated that three applications had recommendations for 20% or more reductions in funding. Those that had recommendations for no funding did not meet any of the established priorities were not afforded an opportunity for appeal. Of the three appeal letters sent out, he has received no response.

A motion was made and seconded to approve the grant applications presented. The motion carried with the following recusals noted:

Chris Webb	Virginia Peninsula Regional Jail
Chief Mook	Newport News
Fred Hodnett	Supreme Court
Marla Decker	Attorney General's Office

**New Business—Vice Chair**

Chief Gaskins reported that the Board would take into consideration nominations for Vice Chair for the CJSB.

A motion was made and seconded that Mr. Jerrauld Jones serve as Criminal Justice Services Board Vice Chair. The motion carried unanimously.

**New Business--Subcommittees**

Chief Gaskins reported that he and Christine Wiedemer have compiled a list of Board members who have indicated a willingness to serve on the various subcommittees. The list was distributed to Board members. Chief Gaskins asked Board members to contact Ms. Feeley if they have an interest in serving on any additional committee, or if they find themselves on a committee that is not in keeping with their interests. He stated that adjustments would be made accordingly.

**Adjournment**

Chief Gaskins asked if anyone in the audience had any further business to present to the Board. In the absence of further business, the Chairman called for a motion. A motion to adjourn was made, seconded, and passed unanimously. The meeting adjourned at 11:50 a.m.

Respectfully submitted:

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Melissa D. Feeley

Approved:

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Chief A. L. (Joe) Gaskins  
Chairman

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Date